

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

ADAM LACERDA,

1:22-cv-0026 (NLH)

Petitioner,

MEMORANDUM OPINION & ORDER

v.

UNITED STATES OF AMERICA,

Respondent.

APPEARANCES:

Brandon Creighton Sample, Esq.
Brandon Sample PLC
1701 Pennsylvania Avenue NW
200
Washington, DC 20006-4823

Attorneys for Petitioner

HILLMAN, District Judge

WHEREAS, Petitioner Adam Lacerda filed a motion to correct, vacate, or set aside his federal sentence under 28 U.S.C. § 2255, see ECF No. 1; and

WHEREAS, the Court having reviewed the motion and concluded that an answer from the United States is warranted,

THEREFORE, IT IS on this 19th day of January, 2022

ORDERED that within forty-five (45) days of the date of the entry of this Order, the United States shall electronically file and serve an answer to the § 2255 Motion; and it is further

ORDERED that the answer shall respond to the allegations and grounds of the Motion and shall adhere to Rule 5 of the Rules Governing Section 2255 Proceedings; and it is further

ORDERED that the answer shall address the merits of each claim raised in the Motion as well as whether the Motion is timely; and it is further

ORDERED that, where the Petition appears to be untimely under the Antiterrorism and Effective Death Penalty Act of 1996, within forty-five (45) days of the date this Order is filed, Respondent may file a Motion to Dismiss on timeliness grounds only, provided that the motion: (1) attaches exhibits that evince all relevant court filing dates; (2) contains legal argument discussing pertinent timeliness law; and (3) demonstrates that an Answer to the merits is unnecessary; and it is further

ORDERED that the answer shall contain an index of exhibits; and it is further

ORDERED that if the answer refers to briefs or transcripts, orders, and other documents from prior proceedings, then the United States shall serve and file them with the answer; and it is further

ORDERED that Petitioner may serve and file a reply to the answer within forty-five (45) days after the answer is filed; and it is finally

ORDERED that any request to deviate from this Order to Answer shall be made by motion.

At Camden, New Jersey

s/ Noel L. Hillman
NOEL L. HILLMAN, U.S.D.J.